

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. 1:22cv152 HSO-RHWR

\$13,600.00 U.S. CURRENCY

DEFENDANT PROPERTY

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America, by and through its United States Attorney and the undersigned Assistant U.S. Attorney for the Southern District of Mississippi, brings this Verified Complaint for Forfeiture *in rem*, in accordance with Rule G(2) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions (“the Supplemental Rules”) and the Federal Rules of Civil Procedure, and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action by the United States seeking forfeiture of \$13,600.00 U.S. Currency seized from Nicolas Pichardo Resendez and Jose Oscar Alvarez-Suarez (the “defendant property”). The defendant property is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) and 8 U.S.C. § 1324(b)(1), for violations of 8 U.S.C. § 1324 (alien smuggling).

**THE DEFENDANT *IN REM***

2. The defendant property consists of \$13,600.00 U.S. Currency seized from Nicolas Pichardo Resendez and Jose Oscar Alvarez-Suarez on December 1, 2021, on Westbound I-10, at Mile Marker 56, near Ocean Springs, Jackson County, Mississippi, by the U.S. Customs and Border Protection (“CBP”), within the Southern District of Mississippi, Southern Division.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture *in rem* under 28 U.S.C. § 1355.

4. Venue is proper in the Southern Division of the Southern District of Mississippi pursuant to 28 U.S.C. §§ 1355(b)(1)(A) and 1395(a), because the acts and/or omissions giving rise to the forfeiture occurred in this district and/or pursuant to 28 U.S.C. § 1395(b), because the defendant property was found and seized in this District.

### **BASIS FOR FORFEITURE**

5. The defendant property is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) and 8 U.S.C. § 1324(b)(1), for violations of 8 U.S.C. § 1324 (alien smuggling)—or for conspiracy to commit alien smuggling.

6. Title 18 U.S.C. §§ 981(a)(1)(C) make subject to forfeiture to the United States “[a]ny property ... which constitute or is derived from proceeds of [violations of specific sections] or any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.” Violations of 8 U.S.C. § 1324 are a “specified unlawful activity” under 18 U.S.C. § 1961(1)(F).

7. Section 1324(b)(1) of Title 8, United States Code, provides that “[a]ny conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of [8 U.S.C. § 1324(a)], the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.”

**FACTS AND CIRCUMSTANCES**

11. A detailed account of the facts and circumstances supporting the seizure and forfeiture of the defendant property is set out in CBP Supervisory Border Patrol Agent Timothy B. Davis's declaration, attached hereto as Exhibit "A," and incorporated herein by reference.

**FIRST CLAIM FOR RELIEF**  
**(8 U.S.C. § 1324(b)(1))**

12. Paragraphs 1 through 11 above are incorporated by reference as if fully set forth herein.

13. The defendant property constitutes proceeds of (or is traceable to proceeds of) a violation of 8 U.S.C. § 1324 and is therefore forfeitable to the United States of America under 8 U.S.C. § 1324(b)(1).

**SECOND CLAIM FOR RELIEF**  
**(18 U.S.C. § 981(a)(1)(C))**

14. Paragraphs 1 through 13 above are incorporated by reference as if fully set forth herein.

15. The defendant property constitutes or is proceeds of a violation of 8 U.S.C. § 1324 and is therefore forfeitable to the United States of America under 18 U.S.C. § 981(a)(1)(C).

Respectfully submitted, this the 17th day of June 2022,

UNITED STATES OF AMERICA

DARREN J. LAMARCA

United States Attorney

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**VERIFICATION**

I, Timothy B. Davis, hereby verify and declare under penalty of perjury that I am a Supervisory Border Patrol Agent with the U.S. Border Patrol, Customs and Border Protection, that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint for Forfeiture *in rem* are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States of America, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Supervisory Border Patrol Agent with the U.S. Border Patrol, Customs and Border Protection.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated this the 17th day of June 2022.

*Timothy B. Davis*

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TIMOTHY B. DAVIS  
Supervisory Border Patrol Agent  
U.S. Border Patrol  
Customs and Border Protection